

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE MIGUEL DE LA CRUZ,
Plaintiff,
v.
OSCAR GALLOWAY, et al.,
Defendants.

Case No. 1:20-cv-00997-DAD-EPG (PC)

ORDER DENYING PLAINTIFF'S MOTION
RE: IMPROPER WITHHOLDING OF
STATEMENTAL DOCUMENTS OF
DEPOSITION TRANSCRIPTS
(ECF No. 47)

18 Jose Miguel Da Le Cruz ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma
pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. On June 10, 2022, Plaintiff
19 filed a motion regarding improper "withholding of statemental documents of deposition
20 transcripts." (ECF No. 47).

22 In his motion, Plaintiff alleges that medical personnel are intentionally withholding
23 "statemental documentation" that will support his medical argument, and that they are
24 deliberately sabotaging his case. Plaintiff lists numerous pages that he alleges are being
25 improperly withheld. Plaintiff then states that the documents are pages from his deposition
26 transcript, and that he wants the missing transcript pages to "prove truth of the matter." (*Id.* at 2).

27 Plaintiff's motion will be denied. First, it is not clear what Plaintiff is asking for. Plaintiff
28 alleges that medical personnel are withholding documents, but then alleges that transcript pages

1 are being withheld, not medical records. It is not clear how unnamed medical personnel are
2 responsible for providing Plaintiff with deposition transcripts.

3 Additionally, Plaintiff already filed a request for transcripts. (ECF No. 40). The Court
4 denied Plaintiff's request and informed Plaintiff that he could request a copy of the transcripts
5 from the officer who transcribed the deposition, for a fee. (ECF No. 41). There is no indication
6 in Plaintiff's motion that he requested a copy of the transcripts from the officer who transcribed the
7 deposition.

8 Finally, while Plaintiff alleges that he needs the documents to "prove truth of the matter"
9 and that the documents will support his "medical argument," Plaintiff does not identify the
10 contents of the documents he is seeking or explain how the documents will prove the truth of the
11 matter or support his medical argument.

12 Accordingly, IT IS ORDERED that Plaintiff's motion (ECF No. 47) is DENIED.

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14 IT IS SO ORDERED.

15 Dated: June 13, 2022

16 /s/ *Eric P. Groj*
UNITED STATES MAGISTRATE JUDGE

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